

Social Security Administration

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the grantee or subgrantee during a suspension or after termination of an award are not allowable unless SSA expressly authorizes them in the notice of suspension or termination or subsequently. Other grantee or subgrantee costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

(1) The costs result from obligations which were properly incurred by the grantee or subgrantee before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are noncancellable, and,

(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(d) *Relationship to debarment and suspension.* The enforcement remedies identified in this section, including suspension and termination, do not preclude grantee or subgrantee from being subject to "Debarment and Suspension" under E.O. 12549 (see § 437.35).

§ 437.44 Termination for convenience.

Except as provided in § 437.43, awards may be terminated in whole or in part only as follows:

(a) By SSA with the consent of the grantee or subgrantee in which case the two parties will agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or

(b) By the grantee or subgrantee upon written notification to SSA, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, SSA determines that the remaining portion of the award will not accomplish the purposes for which the award was made, SSA may terminate the award in its entirety under either § 437.43 or paragraph (a) of this section.

Subpart D—After-the-Grant Requirements

§ 437.50 Closeout.

(a) *General.* SSA will close out the award when it determines that all applicable administrative actions and all required work of the grant have been completed.

(b) *Reports.* (1) Within 90 days after the expiration or termination of the grant, the grantee must submit all financial, performance, and other reports required as a condition of the grant. Upon request by the grantee, SSA may extend this timeframe. These may include but are not limited to:

(i) Final performance or progress report.

(ii) Financial Status Report (SF 269) or Outlay Report and Request for Reimbursement for Construction Programs (SF-271) (as applicable).

(iii) Final request for payment (SF-270) (if applicable).

(iv) Invention disclosure (if applicable).

(v) Federally-owned property report:

(2) In accordance with § 437.32(f), a grantee must submit an inventory of all federally owned property (as distinct from property acquired with grant funds) for which it is accountable and request disposition instructions from SSA of property no longer needed.

(c) *Cost adjustment.* SSA will, within 90 days after receipt of reports in paragraph (b) of this section, make upward or downward adjustments to the allowable costs.

(d) *Cash adjustments.* (1) SSA will make prompt payment to the grantee for allowable reimbursable costs.

(2) The grantee must immediately refund to SSA any balance of unobligated (unencumbered) cash advanced that is not authorized to be retained for use on other grants.

§ 437.51 Later disallowances and adjustments.

The closeout of a grant does not affect:

(a) SSA's right to disallow costs and recover funds on the basis of a later audit or other review;

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(b) The grantee's obligation to return any funds due as a result of later re-funds, corrections, or other trans-actions;

(c) Records retention as required in § 437.42;

(d) Property management require-ments in § 437.31 and § 437.32; and

(e) Audit requirements in § 437.26.

§ 437.52 Collection of amounts due.

(a) Any funds paid to a grantee in ex-cess of the amount to which the grant-ee is finally determined to be entitled under the terms of the award con-stitute a debt to the Federal Govern-ment. If not paid within a reasonable period after demand, SSA may reduce the debt by:

(1) Making an administrative offset against other requests for reimburse-ments,

(2) Withholding advance payments otherwise due to the grantee, or

(3) Other action permitted by law.

(b) Except where otherwise provided by statutes or regulations, SSA will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (4 CFR chapter II). Litigation or the filing of any form of appeal does not extend the date from which interest is computed.

Subpart E—Entitlement [Reserved]

PART 438—RESTRICTIONS ON LOBBYING

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APPENDIX A TO PART 438—CERTIFICATION RE-GARDING LOBBYING

APPENDIX B TO PART 438—DISCLOSURE FORM TO REPORT LOBBYING

AUTHORITY: 5 U.S.C. 301.

SOURCE: 68 FR 28745, May 27, 2003, unless otherwise noted.

Subpart A—General

§ 438.100 Conditions on use of funds.

(a) No appropriated funds may be ex-pended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influ-encing or attempting to influence an officer or employee of SSA, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the enter-ing into of any cooperative agreement, and the extension, continuation, re-newal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) Each person who requests or re-ceives from SSA a Federal contract, grant, loan, or cooperative agreement must file with SSA a certification, set forth in Appendix A to this part, that the person has not made, and will not make, any payment prohibited by para-graph (a) of this section.

(c) Each person who requests or re-ceives from SSA a Federal contract, grant, loan, or a cooperative agreement must file with SSA a disclosure form, set forth in Appendix B to this part, if such person has made or has agreed to make any payment using non-appro-priated funds (to include profits from any covered Federal action), which would be prohibited under paragraph (a) of this section if paid for with ap-propriated funds.

(d) Each person who requests or re-ceives from SSA a commitment pro-viding for the United States to insure